

United States District Court

for the
Western District of New York

United States of America

v.

Case No. 24-mj- 25

SUMIT KUMAR,
HENRY JOEL SANTANA-FABIAN, and
RITIK SHARMA

Defendants

CRIMINAL COMPLAINT


I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about March 12, 2024, in the Western District of New York, the defendants, Sumit KUMAR, Henry Joel SANTANA-FABIAN, and Ritik SHARMA, all of whom are aliens, did knowingly and unlawfully enter the United States at a time and place other than as designated by immigration officers.

All in violation of Title 8, United States Code, Section 1325(a)(1).

This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.



Complainant's signature

PAUL M. FORD
AGENT
U.S. BORDER PATROL

Printed name and title

Sworn to before me and signed telephonically.

Date: March 21, 2024



Judge's signature

City and State: Buffalo, New York

HON. H. KENNETH SCHROEDER, JR.
UNITED STATES MAGISTRATE JUDGE

Printed name and title

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
CITY OF BUFFALO)

I, **PAUL M. FORD**, being duly sworn, deposes and states:

1. I am a Border Patrol Agent with the United States Border Patrol, within the Department of Homeland Security (DHS), and have been so employed for the past fourteen (15) years. In such capacity, my duties include investigating persons who have violated federal immigration laws and other related federal statutes.

2. As part of my current duties, I have become involved in an investigation of a suspected violations of Title 8, United States Code, Section 1325(a)(1).

3. I make this affidavit in support of the annexed criminal complaint charging KUMAR, SUMIT (hereinafter "Kumar"), born 2000, an alien and citizen of India; SANTANA-FABIAN, HENRY JOEL (hereinafter "Santana"), born 1979, an alien and citizen of the Dominican Republic; and SHARMA, RITIK (hereinafter "Sharma"), born 2002, an alien and citizen of India (together, "the defendants"), with entering the United States at a time and place not designated as a port of entry, in violation of Title 8, United States Code, Section 1325(a)(1).

4. The statements contained in this affidavit are based upon my personal knowledge, my review of official records, and upon information provided to me by other U.S. Border Patrol Agents. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that the defendants did knowingly violate Title 8, United States Code, Section 1325(a)(1).

5. On or about March 12, 2024, at approximately 8:00 p.m., Buffalo Border Patrol dispatch reported via radio transmission that an anomaly was detected while scanning the incoming train cars on the International Railroad Bridge on Unity Island in Buffalo, New York. The International Railroad Bridge is strictly a commercial railroad bridge, and pedestrians are prohibited from crossing. The International Railroad Bridge crosses over the Niagara River, which is a designated international boundary between the United States and Canada.

6. A Border Patrol Agent on scene began closely observing the passing train cars and noticed several subjects riding on the train. After sending out a transmission to have the train stopped, the Border Patrol Agent ran with the train until it stopped in attempt to keep visual of the subjects. During this time, all subjects jumped off the train on the north side of the tracks. Once the train had come to a stop, the Border Patrol Agent crossed the tracks and began searching for the subjects. At this time, nearby Customs Officers arrived to assist, along with several other Buffalo Border Patrol Agents. After an extensive search, the defendants

were located and apprehended by various Border Patrol Agents and Customs Officers. After identifying themselves as Border Patrol Agents, each of the defendants was asked about his country of citizenship. Kumar and Sharma admitted to being citizens of India and Santana admitted to being a citizen of the Dominican Republic. At this time, the defendants were transported to Buffalo Border Patrol Station for processing.

7. Based upon the foregoing, your affiant respectfully submits that there is probable cause to believe that the defendants did enter the United States at a time and place not designated as a port of entry on March 12, 2024, all in violation of Title 8, United States Code, Section 1325(a)(1).



PAUL M. FORD
AGENT
U.S. BORDER PATROL

Sworn to and subscribed to before me
telephonically on this 21st day of March 2024.



HON. H. KENNETH SCHROEDER, JR.
UNITED STATES MAGISTRATE JUDGE